

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF
AMERICA,

Plaintiff,

v.

No. 06-20369-B

JOSE LUIS JIMENEZ-ZALAPA

Defendant.

ORDER DENYING WITHOUT PREJUDICE THE DEFENDANT'S "PRO-SE
MOTION OF SENTENCING MEMORANDUM"

On September 19, 2007, the Defendant, who is represented by counsel from the Federal Public Defender's Office, filed a "Pro Se Motion of Sentencing Memorandum." However, a litigant who is represented by counsel has no constitutional right to demand that the Court also consider pro se arguments, pleadings or motions. See United States v. Edwards, 101 F.3d 17, 19 (2d Cir. 1996); Ennis v. LeFevre, 560 F.2d 1072, 1075 (2d Cir. 1977); cf. Burgs v. Johnson County, Iowa, 79 F.3d 701, 702 (8th Cir. 1996) (holding that prisoner represented in civil case by counsel could not rely on the filing by mail rules of Houston v. Lack, 487 U.S. 266 (1988), applicable to pro se inmates). Furthermore, 28 U.S.C. § 1654, the statute governing the manner in which parties may appear in federal court, is specifically phrased in the disjunctive: "the parties may plead and conduct their own cases personally or by counsel" Accordingly, as long as the Plaintiff is represented by counsel, he is ORDERED to file no further documents of any sort except through his attorney.

IT IS SO ORDERED this 25th day of September, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE